

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

March 4, 1998

LR 45

SENATOR CHAMBERS: So, Mr. Speaker, what I am going to do is see how my colleagues feel about this, and if they reject this amendment,...

SPEAKER KRISTENSEN: Time.

SENATOR CHAMBERS: ...and it was offered during the discussion....

SPEAKER KRISTENSEN: Senator, you have spoken three times. Senator Schimek. Senator Schimek, you yield your time to Senator Chambers. Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. Speaker, and thank you, Senator Schimek. If this proposal was put before us and if we discussed it in the way that I wanted it discussed where we are talking about the possibility of municipalities in different counties merging; we've talked about the possibility of two cities, which are not even adjacent to each other but in different counties, merging; we've talked about a municipality in one county merging with another county, and the body rejected this amendment that would prevent that, a conclusion could be drawn that the Legislature approves of that and does not want anything in the language that we adopt to be construed as preventing that. A conscious decision will have been made on that issue, and if this is placed on the ballot and if it is voted in and if somehow people could be prevailed upon to vote for such a merger, then it can't be challenged on the basis of this not having been contemplated when we enacted this legislation. Often an argument is made that such and such a result was not contemplated by those who were pushing this particular provision. Since it's an amendment to the constitution, if a question is raised, the court can consider our debate to see what it was that we were discussing, what was on our mind, and what we intended when we adopted certain language and rejected other language. I want it to be clear that we discussed all of the possibilities and made a deliberate, purposeful decision to reject this language that would have prevented those things. So even though the court says now that there cannot be annexation across county lines, there could now be mergers across county lines. So the lesser